

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LENIER AYERS,

Plaintiff,

V.

ROBIN ARNOLD WILLIAMS *et al.*

Defendants.

Case No. C07-5540RBL

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation. The Court, however, amends the Report and Recommendation to reflect that the money awarded plaintiff in his prior settlement was \$8,257.24 (after deductions for previous debts and before attorney's fees, if any). The actual amount of the settlement does not change the conclusion that plaintiff is able to pay the filing fee.
- (2) The application to proceed *in forma pauperis* is **DENIED**. Plaintiff has thirty days from the date of this order to pay the full \$350.00 dollar filing fee. If the filing fee is not received in thirty days, the clerk's office is instructed to dismiss this action **WITHOUT PREJUDICE**.

The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Kelley Arnold and note a date on Judge Arnold's calendar thirty days from today so this action can be tracked.

DATED this 2nd day of November, 2007.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE